

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**  
**FEBRUARY 6, 2007**

**GRAND RIVER CENTER**  
**500 BELL STREET**  
**DUBUQUE, IOWA**

## TABLE OF CONTENTS

Call to Order .....	1
Commissioners Present - .....	1
Commissioners Absent .....	1
Adoption of Agenda.....	1
APPROVED AS PRESENTED .....	1
Approval of Minutes .....	1
APPROVED AS PRESENTED .....	1
Directors Remarks .....	1
INFORMATIONAL ONLY .....	2
Regional Collection Center Establishment Grants – Contract Recommendations .....	2
APPROVED AS PRESENTED .....	4
Contract – IAMU – Agreement 2007-7158-01, Viability Technical Assistance.....	4
APPROVED AS PRESENTED .....	5
Clean Water State Revolving Loan Fund – 2007 Intended Use Plan Update to Allow Extended Term Financing .....	5
APPROVED AS PRESENTED .....	6
Contract - 28E Agreement between DNR and the Iowa Department of Revenue.....	6
APPROVED AS PRESENTED .....	7
Final Rules: Chapters 21, 22, 23, 25, 33 and 34, Air Quality Program Rules - Updates, Revisions, and Additions .....	7
APPROVED AS PRESENTED .....	10
Notice of Intended Action - Chapter 64 --- Wastewater Construction and Operation Permits .....	10
APPROVED AS AMENDED .....	11
Public Participation.....	11
Hal Morton.....	11
Charles Winterwood .....	12
Tommi Makila .....	12
Appeal of Proposed Decision – Winnebago Industries, Inc. and CDI, LLC .....	13
INFORMATION .....	14

Solid Waste Enforcement Update .....	14
INFORMATION .....	16
Monthly Reports .....	16
General Discussion .....	38
Next Meeting Dates .....	39
Adjournment .....	39



## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Jerry Peckumn at 9:00 a.m. on February 6, 2007 in the Grand River Center, Dubuque, Iowa.

### COMMISSIONERS PRESENT -

Suzanne Morrow  
Darrell Hanson  
Jerry Peckumn, Chair  
Donna Buell  
Francis Thicke, Vice Chair  
Mary Gail Scott  
David Petty  
Henry Marquard

### COMMISSIONERS ABSENT

Lisa Davis Cook, Secretary

### ADOPTION OF AGENDA

*Motion was made by David Petty to approve the agenda as presented. Seconded by Donna Buell. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### APPROVAL OF MINUTES

*Motion was made by Sue Morrow to approve the minutes of the January 2<sup>nd</sup> meeting as presented. Seconded by Donna Buell. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTORS REMARKS

Rich Leopold said that he has been very busy with the legislature and working with the Governor on next years budget. Senate confirmation for my position as Director has yet to take place. I believe this needs to be completed by the end of March.

#### Legislation

Many bills are being proposed right now but after the first funnel we'll find out which ones become more serious. Legislation has proposed to split the DNR into two agencies.

(Conservation & Recreation and Environmental Services) In my opinion, I don't see any conflict between these two divisions.

Energy Issues (transportation fuels and electrical production)

Right now, we have four billion gallons of ethanol that are permitted in this state and another 1.8 billion gallons has been applied for. To make 5.8 billion gallons of ethanol, that would take 2.1 billion bushel of corn. Which was our 2006 harvest for the state of Iowa.

We are working with the Governor's office to craft a policy that encourages strong wind, solar, and energy storage methods.

Donna Buell asked about increasing the funds to add additional enforcement field staff.

Rich Leopold said that there is a growing concern in the legislature about enforcement field staff resources. This year's budget is rather status quo due to the election year. One proposal in the DNR budget was to add one extra staff person at each field office to review manure management plans with one person in the central office to coordinate that effort. There seems to be a positive reaction to that in the legislative committees.

<b>INFORMATIONAL ONLY</b>
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## **REGIONAL COLLECTION CENTER ESTABLISHMENT GRANTS – CONTRACT RECOMMENDATIONS**

Monica Stone of the Environmental Services Division presented the following item as well as a PowerPoint presentation on household hazardous waste materials.

The Department received two (2) applications requesting \$75,476 in financial assistance for consideration during the January 2007 round of funding. After careful review of the applications, both applicant projects are recommended for implementation and at the full request amount.

Both applicants are seeking funding assistance to expand their existing service area into counties previously not offered hazardous materials disposal and education services through the Regional Collection Center Program. With the addition of these two (2) counties, the total number of counties provided regional collection center service will increase to eighty-one (81) counties.

### **BACKGROUND**

Regional Collection Centers are permanent facilities that provide hazardous waste management education and on-going access to proper disposal of hazardous materials generated by conditionally exempt small quantity generator (CESQG) businesses, urban and rural households, and farming operations. Household hazardous materials (HHMs) possess any or all of the following characteristics: toxic, corrosive, flammable or reactive. Funding for the Regional Collection Center program is provided through a portion of the solid waste tonnage fee.

A total of 2,921,284 pounds of waste was accepted, processed, recycled and disposed of through the RCC Program in 2006. These materials represent some of the most toxic materials in the solid waste stream and are being prevented from entering Iowa's landfills.

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants subject to successful contract negotiations, and applicant receipt of the required permits or permit amendments.

**REGIONAL COLLECTION CENTER PROGRAM  
PROPOSAL RECOMMENDATIONS – JANUARY 2007**

The Department received two (2) proposals, requesting \$75,476 in financial assistance, for consideration during the January 2007 round of funding. Both projects are recommended for funding at the full request amount. Below are project descriptions.

<b>Plymouth, Cherokee, and Buena Vista Solid Waste Agency</b>		<b>Award Amount:</b>	<b>\$36,240</b>
<b>1805 Linden Road</b>		<b>Local Cost Share:</b>	<b>\$15,160</b>
<b>Cherokee, IA 51012</b>		<b>Total Project Cost:</b>	<b>\$51,400</b>
<b>Project Title: Sac County Satellite RCC Facility</b>			
<b>Contact:</b>	Dennis Henrich	Phone:	712-225-3749
<b>Description:</b>	<p>The applicant has operated a 3-county RCC for nearly seven (7) years and proposes to expand their service area to a fourth county. The applicant will place a satellite RCC facility in Sac County for collection of household hazardous materials generated in the county. There is the potential to serve 4,593 households and approximately 90 CESQG businesses with this service area expansion.</p> <p>The applicant will collect HHMs from the Sac County satellite and transport them to their main RCC facility, located in Cherokee County, for processing and packaging for final disposition. The applicant and Sac County representatives will provide education and public awareness of the new program to County residents and businesses.</p> <p>Funds are requested for the hazardous waste storage building, site prep, education material development, training, supplies, and salary.</p>		

<b>Metro Waste Authority</b>	<b>Award Amount:</b>	<b>\$39,236</b>
<b>300 East Locust St. Suite 100</b>	<b>Local Cost Share:</b>	<b>\$17,900</b>
<b>Des Moines, IA 51012</b>	<b>Total Project Cost:</b>	<b>\$57,136</b>

<b>Project Title: Calhoun County Satellite RCC Facility</b>					
<b>Contact:</b>		Judi Mendenhall	Phone:	515-967-5512 ext. 105	
<b>Description:</b>	The applicant initially established an RCC in 1995 and since that time has expanded their RCC services to 18 additional counties. Through awarding this financial assistance request, the applicant will add Calhoun County to their service area by placing a satellite RCC facility at the location of the Calhoun County Dept. of Health (Rockwell City) for collection of household hazardous materials generated in the county. There is the potential to serve 4,496 households and 89 CESQG businesses with this service area expansion.				
	The applicant will collect HHMs from the Calhoun County satellite and transport them to their main RCC facility, located in Polk County, for processing and packaging for final disposition. The applicant and Calhoun County representatives will provide education and public awareness of the new program to County residents and businesses.				
	Funds are requested for the hazardous waste storage building, site prep, training, and supplies.				

*Motion was made by David Petty to approve the contract as presented. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT – IAMU – AGREEMENT 2007-7158-01, VIABILITY TECHNICAL ASSISTANCE**

Chuck C. Corell, Bureau Chief of Water Quality presented the following item.

The Department requests Commission approval of a contract in the amount of \$298,969 with the Iowa Association of Municipal Utilities for Viability Technical Assistance.

The department was required by the Safe Drinking Water Act Amendments of 1996 to develop a strategy to assist public water systems in becoming or remaining technically, managerially, and financially viable. The capacity development strategy was developed with the input of a diverse group of stakeholders in 2000 that reconvened in 2005 and asked the department to focus on educating the bodies that govern public water supplies, namely city council and water system board members. These elected officials are responsible for the oversight of the state's public water systems though they usually do not fully understand the business of producing and selling water, and there is a high turnover rate as many of these people are essentially volunteers. This contract will provide on-site technical assistance to public water system personnel that are in need of developing technical, financial, and managerial skills to enable them to provide safe drinking water at a reasonable cost. It will also provide on-site council/board member training



sessions to those systems that the department feels would benefit from the training, in keeping with the theme of council/board member training as outlined in the capacity development strategy.

Funding for this contract comes from Drinking Water State Revolving Fund (DWSRF) Other Authorized Use Set-aside, which may be used for implementing the state's capacity development initiatives.

The proposal from the Iowa Association of Municipal Utilities (IAMU) received the highest score from the committee based on the following reasons:

- IAMU has a history of providing viability technical assistance and board/council member training in Iowa, through a recent contract with the department
- IAMU has a history of hiring well trained professionals with certification in water treatment and distribution that add credibility to the assistance
- IAMU has done a good job in the past of working with central and field office staff to incorporate their recommendations into assistance provided
- Project cost was the lowest of three proposals

*Motion was made by Darrell Hanson to approve the contract with IAMU as presented. Seconded by David Petty. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CLEAN WATER STATE REVOLVING LOAN FUND – 2007 INTENDED USE PLAN UPDATE TO ALLOW EXTENDED TERM FINANCING**

Chuck Corell, Water Quality Bureau presented the following item.

Approval is sought from the Environmental Protection Commission of changes to the Clean Water State Revolving Fund (CWSRF) Intended Use Plan to allow implementation of extended term financing. The U.S. Environmental Protection Agency on January 8, 2007 approved the proposal developed by the Iowa Finance Authority (IFA). The State of Iowa will now be allowed to provide financing for up to 30 years, rather than the current 20-year term, for all CWSRF projects. The financing term will be limited by the determination of the average useful life of the project. IFA's financial capacity analysis showed that allowing loan terms to extend to up to 30 years will cause no significant financial strain on the CWSRF. Allowing the option of extended financing may make using the CWSRF more affordable for some communities, increasing the reach of the program and encouraging cities to complete needed water quality projects.

The proposed changes to the FY 2007 CWSRF Intended Use Plan are shown below.

***Revision to Page 6***

- Goal: Pursue approval and implementation of extended financing terms for CWSRF Section 212 projects. In September 2006 IFA developed and submitted a proposal to EPA Region 7 and Headquarters. Approval was received on January 8, 2007. Objective: DNR and IFA will offer the option to current and new projects on the project priority list.

***Revision to Page 11***

**Financing Term.** The financing term will be up to 30 years. Iowa applied for and received approval from EPA Region 7 and Headquarters for the opportunity to offer extended financing terms up to 30 years. DNR and IFA will allow current and new projects on the project priority list to request an extended term. The length of the term will be based on calculation of the average useful life of the entire project, to be determined by the applicant's consulting engineer and approved by DNR.

A public hearing was held on January 29, 2007. No oral or written comments were received.

*Motion was made by Donna Buell to approve the Clean Water SRF – Intended Use Plan as presented. Seconded by Henry Marquard. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT - 28E AGREEMENT BETWEEN DNR AND THE IOWA DEPARTMENT OF REVENUE**

Ed Tormey, Chief of the Legal Services Bureau presented the following item.

The Environmental Protection Commission's approval is requested to renew a 28E Agreement with the Iowa Department of Revenue (IDR) to establish an effective system for the collection of debts owed to the DNR. IDR is authorized by the Code of Iowa to provide these collection services to state agencies, and Iowa Code Chapter 28E (2005) authorizes state agencies to contract with one another.

Pursuant to the terms of the Agreement, the DNR would pay IDR not more than 15% of the total debt collected. Either party would be able terminate the agreement upon 30 days' written notice.

During the term of prior similar agreements, the DNR was able to identify savings, both in terms of better utilization of staff resources and better debt collection. DNR staff was spending less time collecting debts and more time focusing resources on program goals. IDR, with its specialized expertise and tools, was more successful in its overall collection efforts than was DNR staff, resulting in an increase in the total collection of debts. Last fiscal year, IDR collected about \$107,000 for the DNR.

This has been in use by the DNR since 2005. I would recommend approval of the renewal on this agreement.

*Motion was made by Henry Marquard to approve the contract as presented. Seconded by Mary Gail Scott. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**FINAL RULES: CHAPTERS 21, 22, 23, 25, 33 AND 34, AIR QUALITY PROGRAM RULES - UPDATES, REVISIONS, AND ADDITIONS**

Christine Paulson, Environmental Specialist Senior in the Air Quality Bureau presented the following item.

The Commission to approve amendments to Chapter 21 "Compliance," Chapter 22 "Controlling Pollution," Chapter 23 "Emission Standards for Contaminants," Chapter 25 "Measurement of Emissions," Chapter 33 "Special Regulations and Construction Permit Requirements for Major Stationary Sources – Prevention of Significant Deterioration (PSD ) of Air Quality," and Chapter 34 "Emissions Trading Programs," of the 567 Iowa Administrative Code.

The primary purpose of the rule changes is to adopt into the state air quality rules several recently finalized federal regulations.

A public hearing was held on January 8, 2007. No comments were presented at the public hearing. Written comments were received from EPA Region VII prior to the close of the public comment period. The public comment period closed on January 9, 2007.

There were changes to three items in the final rules from what was published in the Notice. The Department made clarifying changes to Item 1 and Item 16 in response to comments from EPA Region VII. Additionally, a new Item 23 was added to the final rulemaking to correct a typographical error in Chapter 33. These changes are explained below and in the attached Responsiveness Summary.

This rulemaking adopts the following updates, revisions, and additions:

- Item 1 clarifies the eligibility requirements for variances. Under federal regulations, the Department may not issue a variance for conditions or standards specified under such federal regulations as Prevention of Significant Deterioration (PSD), New Source Performance Standards (NSPS), or National Emission Standards for Hazardous Air Pollutants (NESHAP). The Department may grant a variance which does not alter the facility's obligation to comply with elements of these federal regulations. The amendment is the Department's effort to clarify the variance eligibility requirements. The Department made minor changes to the final amendment in response to EPA comments, which are explained in detail in the rulemaking preamble and in attached Responsiveness Summary. (A revised handout was given of the changes made in Item 1 by EPA.)

Christine Paulson said that EPA is just concerned about states possibly giving out variances for something that maybe a federal requirement. We are very careful when it comes to variances for PSD. We don't routinely give variances to anything that could input the facilities PSD requirements.

- Items 2 and 3 update the references to federal regulations that designate Iowa's attainment status with the National Ambient Air Quality Standards (NAAQS). The federal regulations were last updated in January 2005. At that time, EPA did not designate any nonattainment areas within Iowa.
- Item 4 updates a reference to federal regulations for hazardous air pollutants that were adopted by reference in Chapter 23 in a previous rulemaking.
- Items 5, 6 7 and 8 correct cross references in the Title V, Acid Rain and other operating permit program rules for amendments that were adopted in a previous rulemaking.
- Item 9 amends Chapter 23 to adopt recent federal amendments to the NSPS provisions. In particular, EPA revised the definition of electric generating unit (EGU). The amendment codified what the Department had already presumed to be the definition of EGU for the purposes of the Clean Air Mercury Rule (CAMR). There were additional clarifications to the NSPS regulations for testing methods and for the requirements for other source categories, which are described in more detail in the rulemaking preamble.
- Item 10 amends the standards for electric utility steam generating units to adopt recent federal changes to the applicability requirements for CAMR. EPA made clarifications to the definition of "coal-fired electric utility steam generating unit" and clarified the emission standard for mercury. The federal amendments reflect the Department's previous understanding of these provisions, and do not alter CAMR's applicability to Iowa's facilities.
- Items 11 and 13 reserve two paragraphs in Chapter 23 in the NSPS rules to coincide with similarly reserved paragraphs in the federal NSPS regulations.
- Item 12 amends Chapter 23 to adopt a new NSPS. EPA issued final standards for diesel engines that are stationary compression ignition internal combustion engines for which construction modification or reconstruction commenced after July 11, 2005. Although these standards are modeled after the EPA standards for mobile source diesel engines, these standards do not apply to motor vehicles. These standards are described in more detail in the final rulemaking preamble. The Department expects a number of facilities to become subject to the se standards as these facilities replace their stationary diesel engines with new engines.
- Item 14 amends Chapter 23 to adopt another new NSPS. EPA finalized standards for certain stationary combustion turbines that commenced construction, modification or reconstruction after February 19, 2005. These standards are described in more detail in

the rulemaking preamble. At this time, the Department is aware of one facility that may be subject to these new standards, and expects more facilities to become affected as they install new combustion turbines.

- Item 15 amends Chapter 23 to adopt recent federal changes to the national emission standards for hazardous air pollutants for source categories (commonly known as NESHAPs). The substantive changes are described in detail in the rulemaking preamble and include the following:
  - EPA took final action on several NESHAPs to address residual risk. EPA found that no additional control was necessary, and made only minor changes to the NESHAPs for these source categories: hydrochloric acid production, magnetic tape manufacturing, ethylene oxide sterilizers, industrial process cooling towers, and gasoline distribution facilities.
  - EPA amended the NESHAP general conditions to revise certain aspects of the start-up, shutdown and malfunction (SSM) requirements.
  - EPA amended three NESHAPs related to printing, publishing, paper coating, and textile coating to resolve inconsistencies, add additional compliance flexibility, and clarify the interaction between the three sets of standards.
  - EPA amended the NESHAP for organic liquids distribution to provide additional compliance options.
  - EPA amended the NESHAP for miscellaneous organic chemical manufacturing (MON) to clarify applicability, provide additional compliance options, modify initial and continuous compliance requirements, and simplify the recordkeeping and reporting requirements.
  - EPA amended the NESHAP for integrated iron and steel manufacturing to add a new compliance option, revise emission limitations, reduce the frequency of repeat performance tests for certain emission units, add corrective action requirements, and clarify monitoring, recordkeeping and reporting requirements.
  - EPA amended the NESHAP for miscellaneous coating manufacturing to narrow the activities covered under the regulations and to minimize the compliance burden to affected facilities.
- Item 16 adopts federal changes to the NESHAP for dry cleaning facilities that use perchloroethylene (also known as perc). EPA assessed the residual risk for this source category, and determined that additional controls were necessary to protect the public health with an ample margin of safety. As such, dry cleaners will be subject to a number of new requirements. In particular, dry cleaners that are located in residential buildings, such as apartment complexes, will be required to eliminate or phase out all use of perc in several stages, beginning immediately for new facilities, and by 2020 for existing facilities. At this time, the Department is not aware of any dry cleaners in the state that are located in residential structures. The Department will work closely with our small business assistance partners to assist dry cleaners in complying with the requirements by the prescribed deadlines. Additional, new requirements for dry cleaners are summarized in more detail in the rulemaking preamble. The Department made minor modifications to the final rulemaking language to summarize the rule requirements, and in response to comments from EPA.

- Item 17 amends the NESHAP for hazardous waste combustors. The Department is not aware of any facility in the state subject to these standards.
- Item 18 amends the emission guidelines in Chapter 23 to adopt the most recent federal amendments. This includes adopting the minor clarifications to CAMR that do not alter CAMR's applicability to Iowa's facilities.
- Items 19 and 20 amend the emission guidelines to correct cross reference to Title V program rules for amendments that were adopted in a previous rulemaking.
- Items 21 and 22 amend Chapter 25 to update references to federal NSPS regulations that are being adopted by reference as indicated in Item 9.
- Item 23 is an amendment to Chapter 33 that was not included in the Notice, but is being added to the final rulemaking. This amendment corrects a typographical error in the definition of "volatile organic compounds" under the definitions for the Prevention of Significant Deterioration (PSD) program contained under subrule 33.3(1).
- Items 24, 25 and 26 amend Chapter 34 to adopt by reference EPA's most recent changes to CAMR. These changes codified what had already been the Department's understanding of CAMR's impacts. These changes do not affect Iowa's mercury budget or the mercury allowance allocations specified in the current rules.

If the Commission approves these rules, they will be published in the Iowa Administrative Bulletin and adopted into the Iowa Administrative Code on February 28, 2007. The rules will become effective on April 4, 2007.

*Motion was made by Donna Buell to approve the final rule for Chapters 21, 22, 23, 25, 33 and 34 as presented. Seconded by Henry Marquard. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION - CHAPTER 64 --- WASTEWATER CONSTRUCTION AND OPERATION PERMITS**

Charles C. Corell, Bureau Chief of Water Quality presented the following item.

The Commission is asked to approve the Notice of Intended Action to amend Chapter 64: Wastewater Construction and Operation Permits of the Iowa Administrative Code (IAC).

These proposed rules renew the general permits for storm water discharges for another five years. According to statute, general permits issued by the Department must be renewed at least every five years. The general permits expire 10/1/07.

The following changes are proposed:

- Renew general permits Nos. 1, 2 and 3 to be effective 10/1/07 until 10/1/12.
- Maintain current fee structure.
- Add notification requirements when permitting responsibility has been transferred.
- Prohibit commencement of construction activity until a permit authorization has been approved by the Department.

General Permit 1 – general permit for stormwater discharges from industrial activities

General Permit 2 – permit for stormwater discharges for construction sites

General Permit 3 – permit for stormwater discharges from asphalt and concrete batch plants

Chuck Corell said that these permits expire in October and that we would like to get these renewed to avoid a potential gap. We are proposing no changes to the fee structures at this time. We are considering a fee increase in the future, but not with this rulemaking.

*Motion was made by Darrell Hanson to approve the NOIA – Chapter 64 as presented. Seconded by Henry Marquard.*

*An amendment to the motion was made by Henry Marquard to have the Department review the fee structure than to report back to the Commission by the May meeting meeting with a recommendation to raise the fees or with justification for not raising the fees. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS AMENDED**

## **PUBLIC PARTICIPATION**

**HAL MORTON**, Executive Director of Des Moines County Regional Solid Waste Commission. Our concerns are with the development of the landfill permitting rules. During the January EPC meeting, we expressed concern that the detailed Iowa Code section 455B.105(3) fiscal impact statement did not seem to be included in the public comment timeframe, therefore it would not be factored into public comment. The department indicated that it would be available at the end of this comment period. At our recent ISOSWO meeting, we were informed that the timeframe had been scaled back and the fiscal impact information would not be available during the public comment period. I think that it's very important that the public be informed by the ramifications of what is being proposed. For the Department to say "oh well, at least it will be available for preparation of the responsiveness summary", kind of sends the signal that we don't care what the public says. I don't believe this is the best approach for an open rulemaking. I would encourage the Commission to urge the Department to make the information available.

Mary Gail Scott asked Hal how having the knowledge of the fiscal impact would help in the rulemaking?

Hal Morton said that this commission at the time of the Notice of Intended Action asked the department to figure out what the costs were of the 43 items in the preamble that differ from

subtitle D. So far the only cost estimates that have been provided were provided through workshops a couple of years ago, based on compliance with subtitle D. Half the landfills are compliant with subtitle D rules and half are not. I think it's important that we consider the fiscal impacts statewide. I believe it would be good environmental policy for the state.

Henry Marquard asked how much more time is needed to extend the public comment time?

Hal Morton said that after the fiscal impacts are out, we would need about 2-3 weeks to review them and then to comment.

Richard Leopold agreed that we could extend public comment for another 2-3 weeks.

**CHARLES WINTERWOOD**, Chair of the White Pine Sierra Club asked a few questions:

1) How many new cold water streams have been designated?

Chuck Corell said none that he is aware of.

2) When will the antidegradation rules for Tier II waterways be finished?

Chuck Corell answered late summer or early fall of 2007.

3) Are there specific rules for tire burning separate from the general air quality permits? We are concerned with the proposed burning of tire burning operation by the Pattison Brothers in Clayton County.

Christine Paulson said that there are no separate rules, they would be apart of our regular air construction permit regulations, so any changes they are making would be evaluated for potential impacts and if they meet state and federal requirements.

Joe Sanfilippo, Manchester field office supervisor of the department's Manchester field office stated that Yes, they have a permit. The permit has a lot of test requirements in it that they will have to meet, including stack test requirements. If they do not meet the standards, they would not be able to use the equipment.

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**TOMMI MAKILA**, program manager with the Iowa Association of Municipal Utilities commented on the NOIA – Chapter 64 – Stormwater permits.

There is a proposed change in the rules of transferring the full responsibility for compliance with general permit #2 that there's an option that the permit holder can transfer that responsibility to the homebuilders. The current rules state that the developer or permit holder must notify the department when they transfer that responsibility of the permit.

The proposed change would make the permit holder transfer the full responsibility to the homebuilder. We don't have a strong stand on either side of this issue at this time, but we wanted to make a couple of observations.



We would be curious as to why the changes. How will this be implemented? Will more permits need to be issued?

Chuck Corell said that this is a Notice of Intended Action. In regards to the language on transferring the responsibility for the permit, it will be a transfer of the permit not issuing a new one. There is no fee for transferring the permit, it will just be a change of the name. We will need in writing from the transferee that they do agree to take responsibility.

Donna Buell suggested that Tommi Makila submit his comments during the public comment period.

-----End of Public Participation-----

## **APPEAL OF PROPOSED DECISION – WINNEBAGO INDUSTRIES, INC. AND CDI, LLC**

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

In the Matter of: CDI, LLC, and Winnebago Industries, Inc.

CDI, LLC (CDI) and Winnebago Industries, Inc., (Winnebago) each have filed several appeals concerning determinations made by the department that the two companies operate facilities in Charles City and Forest City, Iowa, considered to be major source stationary sources under Iowa's air quality laws. A total of twelve appeals were consolidated into one contested case proceeding.

On October 25, 2006, the department filed a Motion for Summary Judgment. On November 15, 2006, CDI and Winnebago filed a joint resistance to the Motion for Summary Judgment. On November 30, 2006, DNR filed a reply to the joint resistance.

A Motion for Summary Judgment is properly granted if the "pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to an material fact and that the moving party is entitled to judgment as a matter of law." Iowa Rule of Civil Procedure 1.981(3).

On December 29, 2006, Administrative Law Judge Margaret LaMarche granted the department's Motion for Summary Judgment. The administrative law judge ruled that (1) the department

carried its burden to establish that there is no genuine issue of material fact with respect to the single major stationary source determination and that (2) based on the facts, the department is entitled to judgment as a matter of law.

DNR asked for summary judgment of its determination that the CDI and Winnebago sites in Charles City should be considered one single major stationary source and, likewise, that the CDI and Winnebago sites in Forest City should be considered one single major stationary source. Pursuant to 40 CFR 52.21(b)(6), in order to be one major stationary source, two sites must:

- a) belong to the same industrial grouping;
- b) be located on one or more contiguous or adjacent properties; and
- c) be under common control of the same person (or persons under common control).

In their joint Resistance to the Motion for Summary Judgment, CDI and Winnebago admitted that they (a) belong to the same industrial grouping, and (b) are located on contiguous or adjacent properties in both Forest City and Charles City. With respect to the third requirement, common control, the administrative law judge ruled that common control exists for both the Charles City and Forest City facilities, and that the department is entitled to judgment as a matter of law.

On January 9, 2007, CDI and Winnebago filed with the administrative law judge a joint Motion to Enlarge or Amend or Alternative Petition for Rehearing. On January 22, 2007, the department filed a Resistance to both motions. On January 24, 2007, the administrative law judge issued a ruling stating the administrative law judge lacks the authority to rule on the motions and that CDI and Winnebago must file any appeal or motions pertaining to the department's Motion for Summary Judgment with the Environmental Protection Commission within 30 days of their receipt of the "Ruling on DNR's Motion for Summary Judgment."

On January 30, 2007, CDI and Winnebago jointly appealed the Proposed Decision containing the "Ruling on DNR's Motion for Summary Judgment." Pursuant to 561 IAC 7.15(5), DNR will present a proposed briefing schedule for your approval.

We have the briefing schedule in which we agreed to with CDI and Winnebago. Briefs will be filed on February 20<sup>th</sup>, Reply briefs will be due March 12<sup>th</sup> and then the hearing will be on April 3<sup>rd</sup> in Ames.

<b>INFORMATION</b>
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## **SOLID WASTE ENFORCEMENT UPDATE**

Jeff Vansteenburgh presented a powerpoint presentation as follows:

**Field Services and Compliance Bureau**  
**Solid Waste Activity Summary**  
**SFY 2006**

The Field Services and Compliance Bureau's task is to inspect and provide technical assistance and information to citizens and facilities regulated under the various solid waste permits issues by the Solid Waste Section of the Environmental Services Division. Field Services conducts routine inspections of sanitary landfills, appliance demanufacturers, and composting facilities as well as other permit holders. There are 27 different types of facilities that obtain solid waste permits with approximately 313 active operation permits. In addition a significant portion of time in the field office is spent receiving and responding to complaints pertaining to the improper handling and disposal of solid waste.

In SFY 2006 the six Field Offices had a combined total of 5 FTE's for solid waste activities (Cost Center 7424). An additional 2 FTE's were funded for the purpose of dealing with problems associated with waste tires (Cost Center 7429). With this staffing level the six Field Offices conducted the activities listed:

Sanitary Disposal Project Inspections	257
Sanitary Disposal Project Visits	257
Sanitary Disposal Project Operator Assistance and Citizen Assistance Contacts	1553
Solid Waste Complaints Received and Investigated (Majority are open dumping complaints)	638
Documented Illegal Solid Waste Disposal Incidents	407
Notices of Violations issued	175

A subset of the SDP Inspections is the inspections conducted of Appliance Demanufacturing Permits. The number can vary but a current count shows 77 operation permits. During SFY 2006 there were 58 inspections of ADP holders.

One measure of the environmental benefit of the Field Services solid waste activities is the amount of solid waste removed and disposed of properly. The Environmental Services Division has begun issuing a Compliance and Enforcement Report. The reports are issued for the calendar year. The most recent report (2005) showed that statewide approximately 9008 tons of solid waste were taken to solid waste disposal facilities as a result of field office activities regarding open dumps. In addition, approximately 88 tons of salvageable metal were taken to salvage operations.

We are not out looking for piles so we can issue warrants, we want environmental compliance.

Jerry Peckumn asked how many environmental specialists there are at the field office.

Jeff Vansteenbergh said that the Mason City office has 16 staff personnel. There is 13 technical staff.

Donna Buell asked how many hogs per person there are in your area?

Jeff Vansteenbergh said there 1,200 – 1,300 CAFO's in our database and those would have to be operations greater than 500 animal units.

Donna Buell said that we've had concerns where land was being used twice in separate MMPs for spreading manure and then another concern from an ISU professor that there are more hogs in Hardin County than there is land to spread the manure. Does your staff have the ability to compare plans?

Jeff Vansteenbergh said that is staff is very experienced and they are familiar with the producers. We also work very closely with the Des Moines staff on the layout of the land.

<b>INFORMATION</b>
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## MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

PROPOSAL	Notice to Commission	Notice Publish	ARC#	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Publish	ARC#	Rules Review Committee	Hearing
1. Ch. 11 – Tax Certification of Pollution Control or Recycling Property	9/19/06	10/11/06	545 0B	11/20/06	11/08/06	11/08/06	12/05/06	12/05/06	1/03/07	5635B	*2/06/07	*2/07/07
2. Ch. 21, 22, 23, 25	11/14/	12/06/	559	1/03/0	1/08	1/09/0	2/06/0	*2/06/	*3/14/		*4/03/07	*4/18/0

and 34 – Incorporate Federal Regulations	06	06	9B	7	/07	7	7	07	07			7
3. Ch. 43 – Water Supplies – Design and Operation – Construction Permit Fees	9/19/06	10/11/06	544 9B	11/20/06	11/01/06	11/03/06	12/05/06	12/05/06	1/03/07	5637B	*2/06/07	*2/07/06
4. Ch. 61 – WQS Section 401 Certification of Section 404 NHPs	11/14/06	12/06/06	559 8B	*1/03/07	12/26/06	12/26/06	*3/06/07	*3/06/07	*3/28/07		*4/03/07	*4/18/07
5. Ch. 64 – Sewer Extension Construction Permit Provisions	12/05/06	1/03/06	563 8B	*2/06/07	1/24/07	1/26/06	*3/06/07	*3/06/06	*3/28/07		*4/03/07	*4/04/07
6. Ch. 64 – Wastewater Construction and Operation Permits	2/06/07	*2/28/06		*4/03/07			*5/07/07	*5/07/07	*6/06/07		*7/10/07	*7/11/07
7. Ch. 67 – Updates and Revisions	12/05/06	1/03/06	563 6B	*2/06/07	1/24/07	1/26/07	*3/06/07	*3/06/07	*3/28/07		*4/03/07	*4/04/07
8. Ch. 81 – Op. Cert. – Public Water Supply Systems and WW Treatment Systems	12/05/06	1/03/06	563 0B	*2/06/07	1/24/07	1/26/07	*3/06/07	*3/06/07	*3/28/06		*4/03/07	*4/04/07
9. Ch. 103-106, 112, 114, 115, 118, 120-123 – Financial Assurance Regulations	12/05/06	1/03/06	563 3B	*2/06/07	*3/28/07	*3/28/07	*5/07/07	*5/07/07	*6/06/07		*7/05/07	*7/11/07
10. Ch. 113 – Sanitary Landfills for Municipal SW: Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes	11/14/06	12/06/06	559 7B	1/03/07	1/22,24 and 26/07	1/26/07	*3/06/07	*3/06/07	*3/14/07		*4/03/07	*4/18/07
11. Ch. 118 – Discarded Appliance Demanufacturing	8/21/06	9/27/06	538 7B	10/10/06	10/04/06	10/04/06	12/05/06	12/05/06	1/03/07	5634B	*3/06/07	*2/07/07

<b>Monthly Variance Report</b> December 2006						
Item No.	Facility/City	Program	DNR Reviewer	Subject	Decision	Date
1	Natural Gas Pipeline Company of America	Air Quality	Kyle Ament	Constuction Permit	Approved	12/1/2006
2	Central Iowa Water Association	Water Supply	Bob Campbell	Well Location	Denied	12/1/2006
3	Midwest Grain Processors	Air Quality	Bryan Bunton	Constuction Permit/Temporary Boiler	Approved	12/1/2006
4	Swiss Valley park	Water Supply	Mark Moeller	Hydropneumatic Tanks-Sizing	Approved	12/4/2006
5	Newton Water Works	Water Supply	Roy Ney	Chemical Treatment	Approved	12/4/2006
6	City Of Pella	Water Supply	Roy Ney	Chemical Treatment	Approved	12/4/2006
7	West Lake Housing Development	Waste Water	Satya Chennupati	Pump Clogging Protection & Force Main Velocity	Approved	12/4/2006
8	Bi-County Disposal Inc.	Waste Management	Chad Stobbe	Fencing Requirements	Approved	12/7/2006
9	Tyson Foods, Inc.	Air Quality	Diane Brockshus	Temporary Generator	Approved	12/8/2006
10	Scherrman's Implement & Appliicance	Water Supply	Diane Overstake	Non-API Approved Casing & Siting Criteria	Approved	12/15/2006
11	Archers Daniels Midland Company	Water Supply	Bob Campbell	Separation Distance	Denied	12/13/2006
12	Upper Locust Creek Watershed	Dam Safety	Dave Allen	Spillway Design	Approved	12/14/2006
13	Lucus County	Dam Safety	Jeff Simmons	Freeboard	Approved	12/14/2006
14	National Animal Disease Center	Air Quality	Anthony Bigger	Stack Test Extension	Denied	12/22/2006
15	Edinburg manor	Waste Water	Larry Bryant	Lagoon Cells	Approved	12/26/2006
16	Koch Nitrogen Co.	Air Quality	Mark Stone	Stack Testing	Denied	12/27/2006
17	Rutal Water System	Water Supply	Darly Enfield	Separation Distance	Denied	12/8/2006

**Iowa Department of Natural Resources  
Environmental Services Division**

During the period December 1, 2006, through December 31, 2006, 24 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month Incidents	Total chemical	Substance				Mode				
		Agri- Products	Petroleum Chemicals	Other Facility	Transport	Fixed	Pipeline	Railroad	Fire	Other*
October	52 (48)	5 (6)	34 (29)	12 (13)	14 (13)	29 (28)	0 (0)	3 (2)	2 (1)	4 (4)
November	60 (55)	13 (10)	30 (35)	17 (10)	19 (16)	27 (28)	2 (0)	4 (3)	1 (1)	7 (7)
December	24 (51)	3 (5)	17 (32)	4 (14)	5 (18)	15 (29)	0 (2)	2 (1)	0 (0)	2 (1)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	136 (154)	21 (21)	81 (96)	33 (37)	38 (47)	71 (85)	2 (2)	9 (6)	3 (2)	13 (12)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field this Period:

\*Other includes dumping, theft, vandalism and unknown

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
4	4	1	3	4	8

**Iowa Department of Natural Resources  
Environmental Services Division**

During the period December 1, 2006, through December 31, 2006, 3 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot ment	Confine Application	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	12 (13)	0 (1)	9 (2)	0 (1)	3 (9)	9 (12)	0 (1)	3 (0)	0 (0)	1 (1)

February 2007

Environmental Protection Commission Minutes

November	10 (8)	0 (0)	2 (1)	3 (3)	5 (4)	8 (6)	1 (2)	1 (0)	0 (0)	1 (1)
December	3 (2)	0 (0)	3 (1)	0 (0)	0 (1)	2 (0)	1 (2)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	25 (23)	0 (1)	14 (4)	3 (4)	8 (14)	19 (18)	2 (5)	4 (0)	0 (0)	2 (2)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field for Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	1	1	1	0	0

**DATE:** February 1, 2007

**TO:** EPC

**FROM:** Ed Tormey

**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Ben Haven Mobile Home Park, Quasqueton (1)	Drinking Water	Monitoring/Reporting Bacteria; Certified Public Notice	– Rescission Operator;	1/04/07
Axtell Finishers, Hardin Co. (2)	Animal Feeding Operation	Failure to Update Plan	Rescission	1/04/07
Iowa Select Farms, Inc., Clarke/Union Co. (4)	Animal Feeding Operation	Land Application Distance	Separation Rescission	1/05/07
Wadena, City of (1)	Wastewater	Compliance Operational Violations	Schedule; Consent Order Amendment	1/05/07



## Environmental Protection Commission Minutes

February 2007

Fairfield, City of (6)	Wastewater	Monitoring/Reporting; Discharge Limits; Pretreatment	Consent Order \$10,000	1/10/07
Dredge Feed Service, Inc., Mt. Ayr (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$1,000/\$500 SEP	1/10/07
Midwest Grain Processors Cooperative, Lakota (2)	Air Quality	Construction Contrary to Permit	Consent Order \$10,000	1/10/07
Douglas J. Pudenz, Carroll Co. (4)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot	Consent Order Amendment \$7,000	1/10/07
Dan Adams; Adams Pork, Polk Co. (5)	Animal Feeding Operation	Failure to Update Plan	Consent Order \$1,500	1/11/07

## COMPLIANCE AND ENFORCEMENT BUREAU

**DATE:** February 1, 2007

**TO:** Environmental Protection Commission

**FROM:** Ed Tormey

**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	9,042	3-15-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Donald and Marie Phillips (Milo)	WW	469	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,780	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/S W	242	3-08-02
Charlotte Caves (Oskaloosa)	HC	10,000	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02

Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	3,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
	UT	32,690	2-28-03
<b>U.S. PETRO, INC.; SSJG PETROLEUM; SUKHDEV SINGH</b>			
	UT	44,900	2-28-03
<b>MIDWAY OIL CO.; DAVID REQUET; JOHN BLISS</b>			
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
Robert L. Nelson (Orient)	UT	657	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	341	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
*James Boller (Kalona)	AFO	3,634	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	4,300	4-09-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
*Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,658	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	8,849	6-10-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05

## Environmental Protection Commission Minutes

February 2007

# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	8,500	12-29-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
* Paul Shimp & S & V Fence Co. (Eldridge) (\$950/SEP)	AQ	550	1-16-06
# <b>Joel McNeil (Kossuth Co.)</b>	AFO	2,500	1 21-06
<b>Carl Cliburn (Wapello Co.)</b>	AQ/SW	3,496	2-03-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
Robert Plendl; Plendl Brothers Trucking (Kingsley)	UT	3,000	2-25-06
#*Randy Hauan (Winnebago Co.)	AFO	1,092	4-03-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Jeff Albrecht (Humboldt Co.)	AQ	500	5-06-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
West Central Cooperative (Ralston)	WW	3,000	6-12-06
Point Builders LLC; Steve Crawford (Mason City)	WW	2,000	6-16-06
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	6-18-06
#*Tony Mertens (Mt. Pleasant)	AFO	2,644	7-20-06
#*E & N Farms, Ltd. (Lyon Co.)	AFO	1,100	9-01-06
Michael Drea (Woodbury Co.)	AQ	6,000	8-13-06
#*Dennis Kuehl (Cass Co.)	AFO	1,500	10-15-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
# Lane Bachman (Calhoun Co.)	AFO	3,500	10-21-06
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	1,000	11-01-06
Rueter & Zenor Co.; Rueters Red Power (Carroll) SEP	AQ/SW	400	11-06-06
# Randy Rudolph (Audubon Co.)	AFO	3,500	11-06-06
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AF O	8,000	11-07-06
# Jeffrey Griebel dba Hawkeye Pork (O'Brien Co.)	AFO	3,500	11-18-06
#*Dale Schumann (Buena Vista Co.)	AFO	2,000	12-01-06
* Tri Star Petroleum, LLC (Davenport)	UT	4,000	12-01-06
# Robin Hewer (Clinton Co.)	AFO	2,250	12-15-06
* Fred Miller; Earthworks Contracting (Quimby)	AQ	8,020	12-15-06
* Country Terrace Mobile Home Park (Ames)	WW	1,130	1-01-06
*John Eveland (Sumner)	UT	5,720	1-01-07
* Waddell's Metal Recycling (Blue Grass)	AQ	2,000	1-01-07
* Wayne Staab (Plymouth Co.)	AQ	250	1-01-07
* Crestview Mobile Home Park (Ames)	WW	2,250	1-01-06
#*Galen Drent (Boyden)	AFO	1,676	1-01-07
#*Harvey Driesen (Sioux Co.)	AFO	2,250	1-15-06
#*John Kauffman (Iowa City)	AFO	4,784	1-20-06
# James Staiert; Dennis Staiert; Staiert Farms (Carroll)	AFO	4,500	1-21-07
* John Danker (Lee Co.)	AQ/SW	3,469	1-22-06
Albright Farms, Inc. (Calhoun Co.)	AQ/SW	2,000	1-28-07
Robert Barnes; Mechanical Systems Inc. (Council Bluffs)	AQ	1,500	1-28-07
# Robert Venner (Carroll Co.)	AFO	2,000	1-28-07
Manatt's Inc. (Adel)	AQ	5,000	1-29-07
#*Paul Rehder (O'Brien Co.)	AFO	1,125	2-01-07
#*Rick Nikkel (Jasper Co.)	AFO	250	2-01-06
# Douglas J. Pudenz (Carroll Co.)	AFO	7,000	2-10-07
Dredge Feed Service, Inc. (Mt. Ayr)	AQ/SW	1,000	2-10-07
Fairfield, City of	WW	2,500	2-10-07
# Dan Adams; Adams Pork (Polk City)	AFO	1,500	2-11-07
#*Randy Gergen; R & D Farms (Sioux Co.)	AFO	1,500	2-15-07
* <b>Midway Water &amp; Lighting Co., Inc. (Marion)</b>	WS	1,600	2-20-06
* Curt Kline; Connie Kline (Dunlap)	AQ	1,500	3-01-07

Midwest Grain Processors Cooperative (Lakota)	AQ	10,000	3-10-07
#Charles F. Deering, Jr. (Postville)	AFO	3,750	3-30-07
#Charles Wauters (Keystone)	AFO/SW	3,500	12-01-07
#Joe Tomka (Carroll Co.)	AFO	3,500	12-01-07
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
<b>TOTAL</b>		<b>540,442</b>	

The following cases have been referred to the Attorney General:

Long Branch Tavern (Monmouth)	WS	100
Long Branch Tavern (Monmouth)	WS	6,400
Long Branch Tavern (Monmouth)	WS	200
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750
# Travis Aldag (Ida Co.)	AFO	3,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070
Relative, Inc.; Doug Smuck (Des Moines)	UT	600
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000
Randy Ballard (Fayette Co.)	FP	2,000
Edward Bodensteiner (Des Moines)	UT	3,200
Hofer's Danceland Ballroom (Walford)	WS	3,200
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000
#Harold Unternahrer (Washington Co.)	AFO	700
Hofer's Danceland Ballroom (Walford)	WS	100
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800
Jim Walker (Johnson Co.)	AQ/SW	3,000
Iowa Millenium Investors, LLC (Sumner)	UT	4,000
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Plain Salvage Inc. (Sac City)	AQ/SW	10,000
Wisconsin North dba National Petroleum (Clinton)	UT	2,840
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Marvin Oberly (Burlington)	WW	1,300
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500
Richard Davis (Monroe Co.)	AQ	8,000
Honey Creek Campground (Crescent)	WS	1,000
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000
Mobile World LC (Camanche)	AQ/SW	10,000
Oran Pub & Grill (Fairbank)	WS	100
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000
Dave Paplow (Indianola)	AQ/SW	5,000
Meadow Mist Motel (Fayette Co.)	WS	500
Park View Motel (Oelwein)	WS	750
Plantation Village Mobile Home Park (Burlington)	WS	500
# Dean Pedersen (Pocahontas Co.)	AFO	450
<b>TOTAL</b>		<b>156,220</b>

## Environmental Protection Commission Minutes

February 2007

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dallas County Care Facility (Adel)	WW	2,500
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Dallas County Care Facility (Adel)	WW	5,000
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Stanley Siems (Hardin Co.)	AQ/SW	10,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
Chelsea, City of	WW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
Roger Eblen; Eblen Develop.; (Whispering Woods- Council Bluffs) (10,000/each)	WW	20,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Country Living MHP (Altoona)	WW	5,000
Strawberry Point, City of	WW	10,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Jeff Holland (Winnebago Co.)	AFO	5,500
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
Iowa Falls, City of	WW	10,000
LeMars, City of	WW	9,000
Alton, City of	FP	5,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Cedar Rapids, City of	WW	5,000

Goose Lake, City of	WS	1,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Jerry Vander Platts (O'Brien Co.)	AFO	2,951
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
* Reginald Parcel (Henry Co.)	AQ/SW	560
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
Larry Bergen (Worth Co.)	AQ/SW	2,000
# Scott Lenz (Carroll Co.)	AFO	8,000
# Alan Bakker (Sioux Co.)	AFO	6,000
David Carlisle (Ringgold Co.)	SW	3,500
Edward Branstad; Jordan Branstad (Winnebago Co.)	AQ/SW	8,000
Bruce Piper; Piper Motor Company, Inc. (Bloomfield)	AQ/WW	10,000
<b>TOTAL</b>		<b>404,174</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
# David Lorch (Dickinson Co.)	AFO	3,000
* Waddell's Metal Recycling (Blue Grass)	AQ	250
#*Randy Gergen; R & D Farms (Sioux Co.)	AFO	375
#*John Kauffman (Iowa City)	AFO	216
*John Eveland (Sumner)	UT	1,000
Joseph Grothe (Westside)	AQ/SW	500
#*Rick Halma (Lyon Co.)	AFO	300
* John Danker (Lee Co.)	AQ/SW	138
USDA National Animal Disease Center (Ames)	AQ	3,685
USDA National Animal Disease Center (Ames)	AQ	10,000
* Country Terrace Mobile Home Park (Ames)	WW	110
# Loren Wuebker (Calhoun Co.)	AFO	3,000
#*Harvey Driesen (Sioux Co.)	AFO	250
# Western Horizon Farms; Douglas Finisher (Sac Co.)	AFO	3,000
<b>* Midway Water &amp; Lighting Co., Inc. (Marion)</b>	WS	100
#*Rick Halma (Lyon Co.) PAID IN FULL	AFO	600
Tyson Fresh Meats (Denison)	AQ	5,500
Farmers Cooperative Company (Ida Grove)	AQ	5,000
* Black Hawk Co.; Hickory Hills	WW	2,000
#*Rick Nikkel (Jasper Co.)	AFO	250

## Environmental Protection Commission Minutes

February 2007

#*Joe Tomka (Carroll Co.)	AFO	3,500
#*E & N Farms, Ltd. (Lyon Co.)	AFO	300
Avery Pig Farm, Inc. (Humboldt Co.)	AQ/SW	1,000
		<b>44,074</b>
	<b>TOTAL</b>	

**The following penalties were rescinded:**

# James Axtell (Hardin Co.)	AFO	500
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000

## Attorney General Report

Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed	7/18/05 11/29/05 12/01/05
Bridges Bay Resort, LLC Spirit Lake (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	9/19/06
Bulk Petroleum Corporation 28 Sites (1) (6)	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	Referred	6/19/06
Cargill, Inc.; Mort's, Inc. Iowa Falls (2)	Solid Waste Wastewater	Illegal Disposal; Prohibited Discharge	Referred to Attorney General	Referred	11/14/06
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Cohrs, Bernard; Construction Dickinson Co. (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred	11/14/06
Des Moines, City of; Metropolitan WW Reclamation Authority (5)	Wastewater	Compliance Schedule	Referred to Attorney General	Referred	8/15/06
De Vos, Harold and Sharon Rock Rapids (3)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Operation Without Permit	Order	Referred	9/19/06
Environmental Recycling Co., Inc.	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney	Referred	

Dwight Oglesbee Masena (4)			General			12/05/06
Farmers Co-Operative Society Sioux Center (3)	Animal Feeding Operation	Discharge Limits; Prohibited Discharge – Confinement/Ope n Feedlot; Land Application Separation Distance; Failure to Report a Release; WQ Violations – General Criteria	Referred Attorney General	to	Referred Petition Filed Consent Decree (\$40,000/Civil; Injunction)	3/20/06 12/11/06 12/11/06
General Motor Corporation Sioux City (3)	Hazardous Condition	Remedial Action	Order		Referred	9/19/06
Heisdorffer, Leland Keokuk Co. (6)	Air Quality Solid Waste	DNR Defendant	Defense		Petition Filed (No original notice served) IDNR's Motion to Dismiss/Strike Hearing Date Trial Date Ruling on Motion (Dismissed all damage claims against the State)	10/06/05 8/07/06 9/01/06 10/12/06 9/11/06
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty		Referred	12/19/05
Landfill of Des Moines #4 Des Moines (5)	Solid Waste	Operation Permit Violations – Other	Referred Attorney General	to	Referred	4/17/06
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty		Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05 9/12/05 12/7/05
Miller, Albert Kalona (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred Attorney General	to	Referred	9/19/06



## Environmental Protection Commission Minutes

February 2007

Miller, Robert Batavia (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred	8/15/06
Mobile World LC Camanche (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Bankruptcy Petition Filed Plan for Reorganization Appearance by State in Bankruptcy Notice of Intent to Seek Default Appearance by Defendant Trial Date	8/16/04 4/08/05 4/13/05 4/13/05 6/17/05 3/03/06 3/08/06 11/19/06
Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred Petition Filed	2/20/06 12/11/06
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty Site Clean-up Completed	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03  7/09/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04 1/05/05 8/15/06
Pedersen, Dean Laurens (3)	Animal Feeding Operation	Failure to Update Plan	Referred to Attorney General	Referred Petition Filed	4/17/06 12/11/06
Pellett Chemical Co., Inc. Wiota (4)	Undergro und Tank	Failure to Submit Tier 2 Site	Referred to Attorney	Referred	6/19/06

		Assessment	General			
Peterson, David Lake Mills (2)	Animal Feeding Operation	Application in Excess of Crop Usage Rate; Prohibited Discharge – Confinement; Failure to Report a Release; WQ Violations – General Criteria	Referred to Attorney General	Referred		11/21/05
Plymouth Dairy Farms Plymouth Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred to Attorney General	Referred Petition Filed		9/19/05 1/10/06
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date Trial Roquette's Request to Reopen Evidence IDNR Resistance to Reopening Evidence Roquette's Reply to Resistance IDNR Motion/Supp. Resistance Order Denying Roquette's Request to Reopen Evidence		8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05 6/29/05 6/29/05 4/24/06 4/24-28/06 5/25/06 6/02/06 6/19/06 6/21/06 7/05/06
Roquette America, Inc. Keokuk (6)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred		9/19/06
Rose Bowl, The Mason City (2)	Drinking Water	Monitoring/Repo rting – Bacteria, Nitrate; Public	Referred to Attorney General	Referred		7/17/06

## Notice

Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred	6/20/97
				Court Order	12/09/98
				Re-Referred	11/21/02
				Petition Filed	3/11/05
				Application for Contempt	3/11/05
				Contempt Hearing	4/01/05
				Order for Contempt (\$3,000 fine)	8/05/05
				Arrest Warrant Issued	4/01/05
				Contempt/Temporary	5/03/05
				Injunction	5/03/05
				Hearing	7/06/05
				Temporary Injunction	8/05/05
				Granted	8/05/05
				Contempt Hearing Date	
				Contempt Hearing	1/31/06
				Order Finding Defendant in Contempt	
				\$3,000 Fine	
				Amended Petition	
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed	10/18/04
				Answer Filed	11/04/04
SNF, Inc. dba Brand FX Body Company Pocahontas (3)	Air Quality	Operational Violations	Referred Attorney General	to Referred	9/19/06
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed	12/06/04
				State Motion to Dismiss	1/10/05
				Hearing	3/07/05
				Ruling Dismissing Damage	5/17/05
				Claims	2/27/06
				State's Motion for Summary	3/20/06
				Judgment	5/01/06
				Order Granting	6/19/06
				Continuance	
				Hearing on Summary	
				Judgment	10/04/06
				State's Supp. Reply to	
				Plaintiff's	11/03/06
				Resistance to Motion for	11/03/06
				Summary	
				Judgment	
				Ruling Denying Motion for	
				Summary	
				Judgment	
				Application for	
				Interlocutory Appeal	
				Memorandum in Support of	
				Interlocutory Appeal	
Sweitzer, Chad and Lona; Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria; MCL – Bacteria	Referred Attorney General	to Referred	11/14/06

Williams, Dean  
Stuart (2)

Undergro  
und Tank

Remedial Action

Referred to  
Attorney  
General

Referred  
Petition Filed  
Answer Filed  
Motion for Partial Summary  
Judgment

10/17/05  
12/08/05  
12/23/05  
6/05/06

### Contested Cases

4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	<b>1/10/07 – FO6 staff visited the site to determine the current status and observed that the AFO portion of the farm operations has been closed.</b>
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule. 10/18/06 – Letter to attorney regarding schedule for resolving appeal. 10/06 – Letter to MHP attorney regarding resolution of appeal. 11/06 – Letter from MHP attorney regarding projects on hold due to revisions in WQ

						standards rules.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	<b>1/4/07 - An offer to settle was sent to Mr. Dahlhauser's attorney. This letter gave Mr. Dahlhauser until 1/26/07 to contact Carrie Schoenebaum with regard to the settlement.</b>
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Settled. Consent Order signed 12/12/06. \$5,000 for tire abatement. \$5,000 to City of Boone for clean-up or assessment. Property deeded to City of Boone. Case closed.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	1/11/07 - Oral agreement reached on terms of settlement; written documentation pending.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	12/21/06 – Dept. requests settlement discussion with attorney for Southern Waste Handling.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer. 11/05 – Facility upgrade completed. New NPDES permit requested for upgraded facility. 12/16/05 – Settlement offer received from MHP attorney.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	TEGH, Inc. no longer operator; questionable as a viable corporation. Review options.

10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	B & H no longer operator; questionable as a viable corporation. Review options.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Proposed settlement terms.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	On 1/21/04, a complete MMP was filed. However they have yet to pay the penalty.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance. 11/06 – Facility building burned down, facility closed.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	12/22/06 – Dept. requests settlement discussion with attorney for new owner of facility.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement. 8/06 – Letter from City attorney regarding resolving appeal. 10/06 – Letter to City attorney regarding settlement and setting case for hearing. 11/06 – Response received from City attorney concerning SEP proposal. 1/07 – Settlement proposal (SEP) received from City attorney; under review by Dept. staff.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired. Order was rescinded on 1/4/07. Case closed.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	1/4/07 – Order rescinded. Mr. Haven is in his 90's, lives in a nursing home and has sold the business. The current business owner is in compliance. Case closed.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit	AQ	Preziosi	Hearing continued to 1/07.

			Conditions			Waiting for ALJ decision on motion for summary judgment.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Hearing continued to 1/07. Waiting for ALJ decision on motion for summary judgment.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Hearing continued to 1/07. Waiting for ALJ decision on motion for summary judgment.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	12/22/06 – Dept. commences settlement discussions with Renze's attorney.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Primary RP died. Current operation received construction permit on 11/06/06. Will be settled when construction is completed.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Hearing set for 1/19/07. Hearing continued.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	1/12/07 - The reasons that the permit appeal was filed are now moot. A formal dismissal of the appeal has been sent to Mr. Van Meter for his signature.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	12/22/06 – Dept. requests settlement discussion with attorney for deceased Mr. Kramer.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Order and penalty affirmed. Inability to pay claim being evaluated by Department.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Order and majority of penalty affirmed. Sent to DRF for collections 6/6/06.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Requested continuance of hearing pending issuance of permits.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing. 5/31/06 – Letter regarding appeal sent to company. Follow-up letter to be sent. 10/06 – Letter to company regarding scheduling appeal for hearing. 1/07 – To be sent to DIA.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing. 5/31/06 – Letter to City Attorney regarding appeal. Letter received from City Attorney regarding appeal. 10/06 – Dept. letter to City attorney regarding appeal and scheduling

						of hearing. 1/07 – To be sent to DIA.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	ALJ issued proposed decision 11/13/06.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	10/06 – Letter to City about resolving appeal. 12/06 – City council approved SEP proposal to be sent to Dept. 1/07 – SEP proposal received from City. Resolved with SEP project.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	12/07/05 – Telephone call with Honey Creek attorney regarding hearing and compliance issues. 3/22/06 – Meeting at FO 4 with wastewater owner and attorney. 4/5/06 – FO4 inspection of campground. 5/12/06 – FO letter to facility regarding inspection. 5/22/06 – Letter received from Honey Creek attorney requesting waiver of penalty in view of inspection. Letter to Honey Creek attorney rejecting request to waive penalty.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Hearing continued to 1/07 Waiting for ALJ decision on motion for summary judgment.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	10/06 – Letter to MHP regarding settlement of appeal. 11/06 – Information received from MHP owner regarding MORs and certified operator.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Cleaned up as of 11/1/06. Proposed consent order sent on 12/18/06.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Requested continuance of hearing pending issuance of permits.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	No progress, set for hearing.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Letter sent to new attorney on 10/26/06.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	6/26/06 – FO meeting with company officials to discuss reopening of plant. 7/12/06 – FO inspection of plant. 10/06 – To be set for hearing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Waiting to hear from producer.
8/11/05	Douglas Pudenz	4	Order/Penalty	AFO	Book	Waiting to hear from producer. Settled. Consent amendment with producer for signature.
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	Hearing continued to 1/07 Waiting for ALJ decision on motion for summary judgment.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
3/07/06	Larry Bergen	2	Order/Penalty	AQ/SW	Schoenebaum	Entry of default judgment is now final. Mailed Consent Amendment 10/12/2006 which offered Mr. Bergen the opportunity to enter into a payment plan. The plan requires



						10-\$200.00 payments, due the 1 <sup>st</sup> of each month beginning November 1, 2006. If one payment is missed all remaining payments become due immediately. Mr. Bergan did not respond to this offer. I called him on numerous occasions and discussed this payment plan with him. The full penalty is past due. Mr. Bergan was sent to revenue for collection.
3/23/06	Larry Krogman	3	Order/Penalty	AFO	Book	Settled. Consent amendment in place. Awaiting penalty payment.
3/28/06	Jordan Branstad; Edward Branstad	2	Order/Penalty	AQ/SW	Preziosi	ALJ issued proposed decision 11-13-06.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating.
5/21/06	Good Connections, Inc.	5	Withdrawal of Redemption Center Approval	SW	Tack	Summary Judgment for DNR 9/22/06. Case closed.
6/21/06	David Carlisle	4	Order/Penalty	SW	Tack	Settled. Signed Consent Order returned by David Carlisle. Forwarded to Director. Order requires PPP and clean up. Case closed.
7/07/06	Washington County (Permittee: Riverside Casino)	6	Water Use Permit	WR	Clark	Negotiating before filing.
8/07/06	Mill Park Feedlot, Inc.	4	Order/Penalty	AFO	Book	Consent amendment in place for Mill Park and Cody Farms. Both payments plans on schedule.
8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Waiting to hear from Cargill engineer. Meeting will be set with technical staff.
8/28/06	Winnebago Industries, Inc.	2	Title V Permit	AQ	Preziosi	Hearing continued to 1/07. Waiting for ALJ decision on motion for summary judgment.
10/06/06	Ted Dickey dba Dickey Farms	6	Order/Penalty	AQ/SW/AFO	Book	Negotiating before filing. Will set up a meeting after the first of the year.
10/26/06	XEthanol Biofuels, LLC	1	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/27/06	Piper Motor Co. Inc.	6	Order/Penalty	AQ/WW	Tack	New case.
1/08/07	Clow Valve Company (20 Permits)	5	Permit Conditions	AQ	Preziosi	New case.

**Iowa Department of Natural Resources  
Environmental Services  
Report of WW By-passes**

During the period December 1, 2006 through December 31, 2006, 11 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

<b>Month</b>	<b>Total</b>	<b>Avg. Length (days)</b>	<b>Avg. Volume (MGD)</b>	<b>Sampling Required</b>	<b>Fish Kill</b>
October '06	3(11)	0.427	0.055	1	0(0)
November '06	3(7)	0.063	0.033	2	0(0)
December '06	11(7)	0.862	0.016	1	0(0)
January '06	10(6)	0.441	0.002	2	0(0)
February '06	6(9)	0.238	0.006	2	0(0)
March '06	12(9)	0.155	0.026	1	0(0)
April '06	12(14)	0.073	0.134	2	0(0)
May '06	11(18)	0.135	0.004	3	0(0)
June '06	9(7)	0.342	0.076	5	0(0)
July '06	9(5)	0.078	0.003	2	0(0)
August '06	15(13)	0.196	0.023	8	0(0)
September '06	9(3)	0.285	0.024	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
2	1	2	1	2	3

## **GENERAL DISCUSSION**

### Bio-fuels Report - Draft

Tammie Krausman mentioned the Bio-fuels report draft.

David Petty made a suggestion under soil part. We could probably assume that some CRP land will be coming out. It seems logical to me that instead of going to the worst 29%. People who are going to take CRP land out, will take out the least sensitive part of CRP. You won't dive down to the bottom and take out the worst.

Richard Leopold said that is an accurate statement. It's important that comments and suggestions about CRP be directed to Harkin's staff.

Donna Buell said that the land has to be highly erodible in order to be in CRP. So there is no good land in CRP.

David Petty said that he has a lot of good land in CRP because twenty years ago it qualified. There is a lot of good productive land in CRP.

#### Landfill Rules

Ed Tormey said that according to Brian Tormey the fiscal impact statement could be done by February 23, 2007 and that they would be willing to move the end of the comment period to March 9, 2007.

*Motion was made by Henry Marquard to move the end of the comment period two weeks after the fiscal impact statement is available. Seconded by Darrell Hanson. Motion carried unanimously.*

#### Other

Henry Marquard suggested that the Commission hear an informational presentation from Dr. Pat Hirl at the March EPA meeting on technology for bio-energy. (Waste to energy, alternative technologies, economics, etc.) The presentation would last about 30 minutes. This is only an informational issue.

David Petty stated his concerns about making sure that not just one side of a topic is presented to the Commission. Both sides of a topic need to be presented.

The commission decided to start the March EPC meeting at 9:30 with the presentation at 10:00 and public comment beginning at 11:00.

#### **NEXT MEETING DATES**

March 6, 2007 – EPC Meeting

#### **ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Jerry Peckumn adjourned the meeting at 12:40 p.m., Tuesday, February 6, 2007.

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Richard A. Leopold, Director

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Jerry Peckumn, Chair

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Lisa Davis Cook, Secretary

**INDEX****A**

Adjournment, 40  
 Adoption of Agenda, 1  
 Air Quality Program Rules - Updates,  
     Revisions, and Additions  
     Final Rules  
         Chapters 21, 22, 23, 25, 33 and 34, 7  
 APPEAL OF PROPOSED DECISION  
     WINNEBAGO INDUSTRIES, INC.  
     AND CDI, LLC, 14  
 Approval of Minutes, 1

**C**

Call to Order, 1  
 Chapter 64  
     Wastewater Construction and Operation  
     Permits  
         Notice of Intended Action, 11  
 Chapters 21, 22, 23, 25, 33 and 34  
     Air Quality Program Rules - Updates,  
     Revisions, and Additions  
     Final Rules, 7  
 Clean Water State Revolving Loan Fund  
     Intended Use Plan Update to Allow  
     Extended Term Financing 2007, 5  
 Commissioners Absent, 1  
 Commissioners Present, 1  
 Contract  
     28E Agreement  
         DNR and the Iowa Department of  
         Revenue, 6  
 Contract  
     IAMU  
         Viability      Technical      Assistance  
         Agreement 2007-7158-01, 4  
 Contract Recommendations  
     Regional      Collection      Center  
     Establishment Grants, 2

**D**

Directors Remarks, 1  
 DNR and the Iowa Department of Revenue  
     Contract  
         28E Agreement, 6

**F**

Final Rules  
     Chapters 21, 22, 23, 25, 33 and 34  
         Air Quality Program Rules -  
         Updates, Revisions, and Additions, 7

**G**

General Discussion, 39

**I**

IAMU  
     Viability      Technical      Assistance  
     Agreement 2007-7158-01  
         Contract, 4  
 Intended Use Plan Update to Allow  
     Extended Term Financing 2007  
     Clean Water State Revolving Loan  
     Fund, 5

**M**

Monthly Reports, 16

**N**

Next Meeting Dates, 40  
 Notice of Intended Action  
     Chapter 64  
         Wastewater      Construction      and  
         Operation Permits, 11

**R**

Regional Collection Center Establishment  
     Grants  
     Contract Recommendations, 2

**S**

Solid Waste Enforcement Update, 15

**V**

Viability Technical Assistance Agreement  
2007-7158-01  
Contract  
IAMU, 4

**W**

Wastewater Construction and Operation  
Permits  
Notice of Intended Action  
Chapter 64, 11  
WINNEBAGO INDUSTRIES, INC. AND  
CDI, LLC  
APPEAL OF PROPOSED DECISION,  
14